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85-302

Supreme Court, U.S.
FILED
JUL 30 1985
JOSEPH F. SPANIOL, JR.
CLERK

SUPREME COURT NUMBER, ____

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IN THE SUPREME COURT
OF THE UNITED STATES

October Term, 1985

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BETTY JEAN MONTGOMERY,
Petitioner

v.

STATE OF ALABAMA,
Respondent.

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# APPENDIX TO PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF ALABAMA

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1. IN THE CIRCUIT COURT OF THE 28TH JUDICIAL CIRCUIT OF ALABAMA

BALDWIN COUNTY

STATE OF ALABAMA,
Plaintiff

vs.

BETTY JEAN MONTGOMERY,
Defendant

Case No. CC-84-86

JURY & VERDICT

6/1/84; This day in open Court came the State of Alabama by its District Attorney, and the Defendant in her own proper person and with her attorney, and the trial of this case having been regularly set for this day, thereupon, in open Court on this day in the presence of the District Attorney, defendant's attorney, and the defendant, came a jury of good and lawful men and women, to-wit: Wiley S. Todd, and eleven others, who, having been duly

impanelled and sworn according to law, who, having heard the evidence, and the charge of the Court, upon their oaths, in open court on this day in the presence of the District Attorney, defendant's attorney, and the defendant, do say: "WE, THE JURY, FIND THE DEFENDANT GUILTY OF ARSON 2ND DEGREE."

It is therefore considered and adjudged by the Court that the Defendant is guilty of the offense of Arson 2nd Degree, and the defendant, in the presence of her attorney being asked by the Court if she had anything to say why the judgment and sentence of the law should not be passed upon her, requested a pre-sentence investigation. Sentencing set for June 28, 1984. Appearance bond set at $10,000.00.

SENTENCING

9/27/84; Thereupon in open Court on this day came the State of Alabama by its District Attorney, came the defendant also in her own proper person and by her attorney, and the defendant having been found guilty of Arson 2nd Degree by Jury verdict on June 1, 1984, and having been adjudged guilty, and being asked by the Court if she had anything to say why the judgment and sentence of the law should not be passed upon her, replied "she had not." It is therefore considered and adjudged by the Court that the defendant be and she is hereby sentenced to Ten (10) years in the State Penitentiary. Oral notice of Appeal given. Attorney, John Cherry's, request to withdraw granted by the Court.

II. IN THE ALABAMA COURT OF CRIMINAL APPEALS

BETTY JEAN MONTGOMERY
Appellant

vs.

THE STATE,
Appellee

1st DIV 914

Dear Sir:

This is to advise you that on March 12, 1985, the Court of Criminal Appeals announced decision of:

affirmance

~~appeal dismissed~~

~~application for rehearing overruled~~

~~petition denied, dismissed, stricken~~

Judgment not final - see rule 41 ARAP

in the above stated cause.

No opinion.

Yours truly,

MOLLIE JORDAN, CLERK

III. IN THE ALABAMA COURT OF CRIMINAL APPEALS

BETTY JEAN MONTGOMERY
Appellant

vs.

THE STATE,
Appellee

1st DIV 914

Dear Sir:

This is to advise you that on April 9, 1985, the Court of Criminal Appeals announced decision of:

~~affirmance~~

~~appeal dismissed~~

application for rehearing overruled

~~petition denied, dismissed, stricken~~

Judgment not final - see rule 41 ARAP

in the above stated cause.

No opinion

Yours truly,

MOLLIE JORDAN, CLERK

IV. THE STATE OF ALABAMA - JUDICIAL DEPARTMENT

IN THE SUPREME COURT OF ALABAMA

May 31, 1985

84-747

EX PARTE: BETTY JEAN MONTGOMERY

PETITION FOR WRIT OF CERTIORARI

(Re: Betty Jean Montgomery v. State)

CRIMINAL APPEALS 1/914

CERTIFICATE OF JUDGMENT

WRIT DENIED

The above cause having been duly submitted, IT IS CONSIDERED AND ORDERED that the petition for writ of certiorari be denied.

FAULKNER, J. -TORBERT, CJ., ALMON, EMBRY & ADAMS, JJ., CONCUR.

## CERTIFICATE OF SERVICE

I, W. Donald Bolton, Jr., the attorney for the petitioner, hereby certify that the number of copies of this petition required by Rule 28 of the Supreme Court Rules have been served on the opposing party in this proceeding by mailing three copies of the appendix to the Attorney General of the State of Alabama, by certified mail, return receipt requested, first-class postage prepaid, addressed to The Honorable Richard L. Owens, Assistant Attorney General of the State of Alabama.

DONE this 20th day of August, 1985, by depositing the same in the United States post office, with first-class postage prepaid, and properly addressed to the Clerk and parties indicated hereinabove on this date.

## CERTIFICATE OF FILING

I, W. Donald Bolton, Jr., the attorney for the petitioner, hereby certify that the number of copies of this appendix required by Rule 19 of the Supreme Court Rules to be filed, to-wit, an original and forty (40) copies, with the Clerk of the United States Supreme Court, were placed by me in the United States Mail, certified, return receipt requested, first-class postage prepaid, addressed to The Honorable Alexander Stevas, Clerk of the United States Supreme Court, pursuant to the provisions of Rule 19 of the Supreme Court Rules, on the date indicated below.

W. DONALD BOLTON, JR.
Attorney for Petitioner

Sworn to and subscribed
before me on this the
20th day of August, 1985.

Laura C. Stevens
NOTARY PUBLIC
My Commission Expires: 8-30-87